UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed July 2, 2009 have been fully considered but they are not

persuasive. On pages 11-12, Applicant argues:

With respect to the tertiary cited reference, Shaya actually discloses: "... Yet another
hybrid data processing model that may be employed combines collaborative and content-based
filtering. FIG. 11 illustrates a cascade of collaborative and content-based filters 1100 utilized
in certain embodiments of the invention. Cascade 1100 represents a novel approach to
exploiting both social and content information that is particularly well suited to the present
invention. With this cascaded architecture 1100, the collaborative filter 1102 is tuned to output
predicted ratings 1103 for many products based on a current consumer's characterization profile
1107 and the knowledge regarding all consumers and products contained in database 1101.
Ratings outputs 1103 then form the input to content-based filter 1104, which selects **products**
from those inputs for which the product features stored **in the product** features database
1105 match well with the user's aesthetic choices contained in the personal profile information.
The products selected by content-based filter 1104 comprise the final recommendations 1106
output by the **product recommendation** engine." (Para. [0164]; Fig. 11) in essence, Shaya
merely teaches using a single cascade of filters 1100 for recommending products, e.g., for online
shopping of consumer goods, not audio-video content via a signal transmission, to consumers,
wherein **the product information** is gleaned from a database 1101, not via a signal
transmission from a primary service provider as in the presently claimed invention.

In contrast to Sic, even in view of Fries, and even in further view of Shaya, the present
invention comprises "a *plurality* of cascading filters for facilitating determination of a particular
one of the *discrete selectable audio/visual programs, the plurality* of cascading filters being
customizable for at least one user, wherein *the plurality* of cascading filters *simultaneously*
considers content across the first plurality of the discrete selectable items of audio/video
content and the second plurality of the discrete selectable items of audio/video content[.]" As
such, the present invention uses a distinct filter architecture involving *a plurality* of cascading
filters, rather than merely a single cascade, in order to *simultaneously consider content,*
wherein the content comprises a plurality of discrete selectable items of *audio/video content,*
wherein a first plurality of the discrete selectable items of audio/video content differ from a
second plurality of the discrete selectable items of audio/video content *with respect to a*
primary transmission service provider. The single cascade of filters of Shaya cannot
accomplish the result emanating from simultaneous consideration of content by a plurality of
cascading filters as claimed in the present invention.

Examiner disagrees with Applicant's conclusion. First, it is necessary to try and establish what is

meant by the phrase "a plurality of cascading filters." Applicant appears to interpret said phrase

to mean several groups of filters, each group consisting of several cascading filters. Examiner

suggests that said phrase could mean one group of filters consisting of several cascading filters.

In support of Examiner's interpretation, Examiner points Applicant to U.S. Provisional Patent

Application Serial No. 60/520,752, from which the instant case claims priority. In section III, the

Provisional Application states, inter alia, "The system consists of cascading filters that can filter

out and in TV shows based on their attributes." This is the only mention of the word "cascading"

in any of the relevant Applications upon which the instant Applicant claims priority or has

incorporated by reference. Because the word "plurality" does not appear in the cited section,

Examiner's interpretation of the phrase "a plurality of cascading filters" as meaning one group of

filters consisting of several cascading filters is consistent with the background of the words in the

disclosure. Accordingly, Applicant's arguments regarding the lack of teaching in Shaya are

rendered moot.

Applicant's remaining arguments refer to a similar argument as the one addressed above,

and thus are also rendered moot.

/Josh Taylor/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

July 27, 2009